

Amendment No. 1 to HB0328

**Marsh
Signature of Sponsor**

AMEND Senate Bill No. 835

House Bill No. 328*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-103(a)(1), is amended by deleting the subdivision and substituting instead the following:

(a)

(1) Any person, firm or corporation engaged in contracting in this state shall be required to submit evidence of qualification to engage in contracting, and shall be licensed as provided in this part. It is unlawful for any person, firm, or corporation to engage in or offer to engage in contracting for any project in this state, unless, at the time of such engagement or offer to engage, the person, firm, or corporation has been duly licensed with a monetary limitation sufficient to allow the person, firm, or corporation to engage in or offer to engage in such contracting project under this chapter. The board for licensing contractors shall have the authority to grant or allow an exception, in an amount not to exceed ten percent (10%), to the monetary limitation of such license provided in subdivision (a)(1). Any person, firm, or corporation engaged in contracting, including a person, firm, or corporation that engages in the construction of residences or dwellings constructed on private property for the purpose of resale, lease, rent, or any other similar purpose, shall be required to submit evidence of qualification to engage in contracting and shall be licensed. It is unlawful for any person, firm, or corporation to engage in, or offer to engage in, contracting as described in

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subdivision (a)(1) unless the person, firm, or corporation has been duly licensed under this part.

SECTION 2. Tennessee Code Annotated, Section 62-6-103, is amended by adding the following language as a new subsection:

(c) Notwithstanding any law to the contrary, no lien otherwise authorized pursuant to title 66, chapter 11 shall be available to any person, firm, or corporation engaged in construction in violation of this chapter.

SECTION 3. Tennessee Code Annotated, Section 66-11-102(a), is amended by deleting the subsection and substituting instead the following:

(a) There shall be a lien on any lot or tract of real property upon which an improvement has been made by a prime contractor or any remote contractor; provided, that the lienor has complied with title 62, chapter 6. If the lienor has not fully complied with title 62, chapter 6, no lien is established by this chapter. The lien shall secure the contract price.

SECTION 4. Tennessee Code Annotated, Section 66-11-101(16), is amended by deleting the word "underground".

SECTION 5. Tennessee Code Annotated, Section 66-11-104(a), is amended by deleting the word "underground".

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to contracts entered into or renewed on or after the effective date and to liens filed for construction performed on or after the effective date, the public welfare requiring it.